

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.2263 OF 2006

Goodlass Nerolac Paints Ltd.

..Petitioner.

Vs.

Paints Employees Union & anr.

..Respondents.

...

Mr. C.U. Singh, Senior Advocate with Mr. Sanjay Udeshi for the
Petitioner.

Ms. Meena Doshi for Respondent No.1.

...

CORAM: DR. D.Y. CHANDRACHUD, J.

28th August, 2006.

P.C. :

The reference under Section 25-O of the Industrial Disputes Act, 1947 (Reference IT 37 of 2003) was assigned by the State Government to the Industrial Tribunal presided over by Smt. A.Y. Ayerekar.. The reference was since heard by the successor judges who had occupied the office of the Industrial Tribunal thereafter. Having regard to the original order of reference, at the hearing of the present petition, counsel appearing for the Petitioner and the First Respondent have jointly stated before the Court that parties have no objection if by consent the impugned order of the President of the Industrial Court dated 28th June, 2006 is quashed and set aside and the reference is directed to be heard by the

Industrial Tribunal consisting of Mr. A.D. Kadlag, the successor Court of the Tribunal to whom the reference was originally assigned. In the circumstances, the impugned order of the President of the Industrial Court dated 28th June, 2006 shall stand quashed and set aside in view of the statement which has been fairly made before the Court on behalf of the contesting parties without this Court being required to enter into the merits of the rival allegations. All the allegations made by the parties against each other in that regard have been unconditionally withdrawn by the learned counsel. However, it is clarified that all the rights and contentions of the parties in regard to the merits are kept open. The President of the Industrial Court is directed to assign the reference to the Industrial Tribunal consisting of Mr. Kadlag. The parties shall appear before the Industrial Tribunal for directions on 18th September, 2006. The Industrial Tribunal shall endeavour an expeditious disposal of the reference preferably within a period of six months from the date on which parties appear for directions. The Petition is accordingly disposed of. There shall be no order as to costs.